

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

JOHN C. ROBBINS,	:	APPEAL NO. C-070614
	:	TRIAL NO. A-0704215
Plaintiff-Appellant,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
	:	
TIMOTHY J. McKENNA,	:	
	:	
JOHN K. ISSENMANN,	:	
	:	
and	:	
	:	
STEPHEN J. WENKE	:	
	:	
Defendants-Appellees.	:	
	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.<sup>1</sup>

Defendant-appellant, John C. Robbins, appeals the judgment of the Hamilton County Court of Common Pleas dismissing his legal-malpractice action against defendants-appellees, Timothy J. McKenna, John K. Issenmann, and Stephen J. Wenke.

On May 10, 2007, Robbins filed a pro se complaint alleging that the appellees had failed to adequately represent him in a criminal prosecution that had commenced in 2005 and had terminated in an unsuccessful appeal of his conviction. The appellees filed motions to dismiss on the basis that the one-year limitations period set forth in R.C.

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<sup>1</sup> See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

2305.11(A) had expired. The trial court granted the motions and dismissed each of Robbins's claims.

In a single assignment of error, Robbins now argues that the trial court erred in applying R.C. 2305.11(A) to his claims, but he does not dispute that he had filed his complaint after the expiration of the statutory period.

Robbins first argues that R.C. 2305.11(A) is inapplicable to legal-malpractice actions involving criminal defense because criminal prosecutions implicate fundamental constitutional rights. The Supreme Court of Ohio has applied R.C. 2305.11(A) to cases involving criminal defense,<sup>2</sup> and we accordingly reject Robbins's argument.

Robbins also argues that his status as a pro se litigant entitled him to leniency in the application of the statute of limitations. Although it may be appropriate to grant leniency under certain circumstances, pro se litigants are generally required to follow the same rules as represented litigants.<sup>3</sup> We find no error in the trial court's adherence to R.C. 2305.11(A), and we overrule the assignment of error. The judgment of the trial court is affirmed.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27.

**HILDEBRANDT, P.J., PAINTER and CUNNINGHAM, JJ.**

*To the Clerk:*

Enter upon the Journal of the Court on August 6, 2008  
per order of the Court \_\_\_\_\_.  
Presiding Judge

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<sup>2</sup> See, e.g., *Smith v. Conley*, 109 Ohio St.3d 141, 2006-Ohio-2035, 846 N.E.2d 509, ¶4, motion for reconsideration denied, 110 Ohio St.3d 1413, 2006-Ohio-3306, 850 N.E.2d 73.

<sup>3</sup> *Chase Manhattan Mtge. Corp. v. Smith*, 1st Dist. No. C-061069, 2007-Ohio-5874, ¶30, jurisdictional motion overruled 117 Ohio St.3d 1458, 2008-Ohio-1635, 884 N.E.2d 67.